

ASSEMBLY BILL

No. 2245

Introduced by Assembly Member Cooper

February 18, 2016

An act to amend Section 32000 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 2245, as introduced, Cooper. Firearms: prohibitions: exemptions: probation departments.

Existing law makes it a crime for any person in this state to manufacture, import into the state, keep for sale, offer or expose for sale, give, or lend an unsafe handgun. Under existing law, this prohibition does apply to the sale or purchase of a handgun if the handgun is sold to, or purchased by, the Department of Corrections and Rehabilitation or to any federal law enforcement agency, among other entities.

This bill would also make the above prohibition inapplicable to the sale to, or purchase by, a probation department.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 32000 of the Penal Code is amended to
- 2 read:
- 3 32000. (a) A person in this state who manufactures or causes
- 4 to be manufactured, imports into the state for sale, keeps for sale,
- 5 offers or exposes for sale, gives, or lends an unsafe handgun shall

1 be punished by imprisonment in a county jail not exceeding one
2 year.

3 (b) This section shall not apply to any of the following:

4 (1) The manufacture in this state, or importation into this state,
5 of a prototype handgun when the manufacture or importation is
6 for the sole purpose of allowing an independent laboratory certified
7 by the Department of Justice pursuant to Section 32010 to conduct
8 an independent test to determine whether that handgun is prohibited
9 by Sections 31900 to 32110, inclusive, and, if not, allowing the
10 department to add the firearm to the roster of handguns that may
11 be sold in this state pursuant to Section 32015.

12 (2) The importation or lending of a handgun by employees or
13 authorized agents of entities determining whether the weapon is
14 prohibited by this section.

15 (3) Firearms listed as curios or relics, as defined in Section
16 478.11 of Title 27 of the Code of Federal Regulations.

17 (4) The sale or purchase of a handgun, if the handgun is sold
18 to, or purchased by, the Department of Justice, a *probation*
19 *department*, a police department, a sheriff's official, a marshal's
20 office, the Department of Corrections and Rehabilitation, the
21 California Highway Patrol, any district attorney's office, any
22 federal law enforcement agency, or the military or naval forces of
23 this state or of the United States for use in the discharge of their
24 official duties. This section does not prohibit the sale to, or
25 purchase by, sworn members of these agencies of a handgun.

26 (5) The sale, purchase, or delivery of a handgun, if the sale,
27 purchase, or delivery of the handgun is made pursuant to
28 subdivision (d) of Section 10334 of the Public Contract Code.

29 (c) Violations of subdivision (a) are cumulative with respect to
30 each handgun and shall not be construed as restricting the
31 application of any other law. However, an act or omission
32 punishable in different ways by this section and other provisions
33 of law shall not be punished under more than one provision, but
34 the penalty to be imposed shall be determined as set forth in Section
35 654.